

Board of Selectmen's Meeting Minutes

March 4, 2010

Harpswell Town Office

Approved on March 25, 2010

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At 5:30 p.m. the Board met to handle administrative matters: the majority of the Board agreed with the Design Review Committee, for the "Welcome to Harpswell" signs, about accepting its first choice from a non-fulltime resident; the action list was reviewed and updates provided; the Board concurred with proceeding with wireless internet at the Town Office; the Board was provided options for the Hildreth Road property and agreed to further discuss at the next meeting; the HVAC report was provided to the Board for future review; the Board scheduled a meeting with the Fire/Rescue Departments and concurred with the March meeting schedule; the Continuity of Operations Plan was commented on and suggested to add to the agenda; other towns' tax rebate program for the elderly was handed out; the Board was provided a draft consent agreement with the Orr's Island Library for review as the Library exceeded its prior variance approvals; the majority of the Board agreed the Library should first apply to the Board of Appeals; the Board agreed with Administrator Eiane to not participate in MCOG fuel bid and for the Town to bid on its own; at the end of the regular meeting, purchase orders were reviewed and signed.

Selectmen Present: James S. Henderson, Elinor Multer and Mark E. Wallace

Staff Present: Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:40 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding 6a. Use of Recreation Funds; 17. Review of the COOP; 17. Ld 195 and Ld 1725; Overview of Graveyard Point and 8a. Cundy's Harbor Road improvements; motion passed 3-0.

2. Public Comment: There were no public comments.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Multer to approve the February 18 minutes by accepting the editorial suggestions submitted to the office by email by individual selectmen; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane expressed thanks to the emergency personnel for all their work during this past wind storm and widespread power outages. This storm was a difficult one for Central Maine Power due to the extensive tree and pole damage. Both she and the Emergency Management Agent were on the phone daily with CMP advocating for Harpswell. Administrator Eiane reminded the public of the March 9 vote regarding the West Harpswell School closure and of Town Meeting scheduled for March 20. Residents can expect their town report soon and it is also available on the Town's website. Administrator Eiane announced there will be a candidate's forum for the school board and Selectmen positions on March 12 at 7:00 p.m. at Harpswell Community television studio. Questions for the candidates can be submitted ahead of time by emailing or phoning the studio. Administrator Eiane announced that March 7 marks the 100th year anniversary of the Town's ownership of the Giant's Stairs property. Administrator Eiane stated the pipeline project is moving along and has uncovered an area with soil contamination, which the contractor is further investigating and will report the findings to the Town.

5. Selectmen's Announcements: Selectman Wallace stated that since the last meeting, he has been informed that the shellfishing flats near the Carrying Place are open. Selectman Wallace announced that Trufant-Summerton ballfield has been vandalized and asked travelers to keep an eye open and report any suspicious behavior. Selectman Wallace announced that AT&T is working on its equipment at the communication tower and should be activated soon. Verizon has applied to the Planning Board for review to locate on the tower.

6. Recreation Awards: David Brooks, chair of the Recreation Committee, stated every year the Committee recognizes volunteers who go above and beyond. Gina Perow, Recreation Director, announced the recipient of the Trufant-Summerton service award is Kurt Brown and listed his numerous areas of volunteer work. Don Miskell, of the Recreation Committee, announced the recipient of the outstanding service to the Town award is Liz Bouvé and listed all of her incredible contributions, including serving as past Recreation Director. Liz Bouvé graciously accepted the award and noted the many great volunteers the Town has.

6a. Use of Recreation Carryover Funds: Gina Perow, Recreation Director, requested the Board consider using \$641.00 from the recreation carryover funds for the purchase of bike racks for use on Town properties (i.e. Mackerel Cove, Mitchell Field, Giant's Stairs, Pott's Point). Go Maine is covering 80% of the costs and the Town 20%. David Brooks noted this proposal was done in consultation with the Town Lands and Mitchell Field Committees. Selectman Multer moved, seconded by Selectman Wallace to authorize the use of \$641 from the carryover fund; motion passed 3-0.

7. Emergency Management Agent's Report: Bill Labbe, Emergency Management Agent, reported on his activities for the past year (report attached).

Ed Sparks reported to the Board that he has been working on getting the Town's communication equipment installed at the tower site in the County's shelter and the County is not allowing the Town to have an appropriately located space. Administrator Eiane will contact the County and work out the issue.

8. Public Hearings

- **Curtis Memorial Library Appropriation \$119,884:** Chairman Henderson opened the hearing at 7:10 p.m. and closed it at 7:10 p.m. since there were no comments.
- **Restricting Vehicle Weight Ordinance on Town Ways:** Chairman Henderson opened the hearing at 7:11 p.m. Deputy Administrator Sawyer noted the differences from the last hearing included eliminating the fuel deliveries as an exemption as they would be subject to the axle/tire width exemption chart. Bill Saxton asked a question about the posting timeframe and stated he was in favor of the changes. The hearing was closed at 7:15 p.m. Chairman Henderson moved, seconded by Selectman Multer to adopt the Ordinance with the proposed amendments; motion passed 3-0.
- **Consider Posting Weight Restrictions on Town Ways:** Selectman Wallace suggested posting all Town roads and then removing the postings once the ground is dry enough. The Board discussed the signs and the timeframe for signing each one and getting the signs posted. Bill Saxton noted that those cleaning up from the storm damage may be affected. Chairman Henderson moved, seconded by Selectman Wallace to post all Town roads pursuant to the Ordinance from March 12 to April 30 with the condition that the posting may be suspended at any appropriate time; motion passed 3-0.

8a. Cundy's Harbor Road Improvements: Administrator Eiane reported that the State has a program that will pay for two-thirds and the Town one-third of the costs for improving minor collector roads. The State approached the Town a year ago and offered the program for Cundy's Harbor Road and the Board declined. The State recently approached the Town and is offering to fund \$400,000 if the Town funds \$200,000 to improve 4/10 of a mile of Cundy's Harbor Road. The State's policy is for its roads to now be 4 rods wide which would require negotiations with property owners as the current road width is not 4 rods. It's not clear where Cundy's Harbor Road is on the State's priority list without participating in this program. Administrator Eiane stated there is a warrant article requesting a \$140,000 appropriation to be used with \$101,000 carryover for a capital road project. Administrator Eiane suggested the Board may want to ask Town Meeting if the funds should be used on town roads only or if it would allow use on the State's Cundy's Harbor Road. The Department of Transportation needs to know the Town's position as soon as possible. The Board expressed concern about using local taxpayer money on a road that is the State's responsibility to maintain and about the small amount that \$600,000 would fix. Ed Sparks agreed that the road needs to be fixed but was concerned

about the State getting a free ride. David Brooks agreed the road needs repair and would be agreeable to the program. Administrator Eiane reported the first part of Cundy's Harbor Road was done through a similar program where the Town invested up to 82,500 for about 2 miles. Chairman Henderson suggested the Board lobby legislators and complain about the condition of Cundy's Harbor Road and apply pressure to get the State to fully fund the necessary repairs. Selectman Multer questioned the State's new policy of requiring 4 rods and whether it was negotiable if the Town proceeds. Chairman Henderson stated he would like to hear from the Road Commissioner regarding his position on Cundy's Harbor Road and where that leaves the Town's capital plan.

Susan Rich showed a picture of many tires tied together that have washed up on the beach on Long Point and asked if they could be disposed of at the Transfer Station free of charge. Selectman Wallace stated the tires could be a navigational issue and suggested the Harbormaster follow up.

9. Sign 2010 Town Meeting Warrant

- **Consider Additional Warrant Article Re: Acceptance of Grants:** Chairman Henderson moved, seconded by Selectman Wallace to add this article to the warrant and change one word (expend); motion passed 3-0.
- **Updated Animal Control Ordinance Amendments:** Administrator Eiane reviewed the non-substantive changes made by the Town attorney. Chairman Henderson moved, seconded by Selectman Wallace to accept the changes; motion passed 3-0.

Chairman Henderson moved, seconded by Selectman Multer to approve the 2010 warrant; motion passed 3-0. [At the end of the meeting, the Board made some language changes to article 56 – Welcome to Harpswell signs as the Committee's first choice could cost in the range of \$5,000. Chairman Henderson moved, seconded by Selectman Multer to amend article 56; motion passed 3-0.]

10. Open Bids for Municipal Car: One bid was opened from Mr. Landry for \$1,199. Chairman Henderson moved, seconded by Selectman Wallace to accept the bid; motion passed 2-0 (Selectman Multer abstained).

11. Consider Supporting HR 3745: Community Access Preservation Act: Donna Frisoli reviewed the proposed act and asked the Board to support its passage. The general objective is to oppose the placing of local community channels in the digital listings that make them difficult to find; to require franchise payments three times a year; and to require the same picture quality as other channels. Chairman Henderson suggested a change in the proposed resolution. Chairman Henderson moved, seconded by Selectman Multer to endorse supporting HR 3745; motion passed 3-0. Selectman Multer asked for the TV Studio to look into better recording devices in the Town's meeting room.

12. Renewal Liquor License for Cook's Lobster House, Map 26, Lot 2: Deputy Administrator Sawyer stated there are no apparent code violations or disorderly conduct calls with Cumberland County. Chairman Henderson moved, seconded by Selectman Wallace to approve the renewal license for Cook's Lobster House; motion passed 3-0.

13. Consider Waiver of Fee for Brush Disposal at the Transfer Station: Selectman Wallace stepped down as Selectman to speak at the podium about the issue. Mr. Wallace stated that people should be encouraged to clean up from the storm and suggested reducing the fee from \$120/ton for a certain period of time. Chairman Henderson and Selectman Multer discussed different options. Chairman Henderson moved, seconded by Selectman Multer to reduce the fee for brush to \$60/ton beginning March 5 to April 3; motion passed 2-0 (Selectman Wallace abstained).

14. Committee Appointment: Selectman Multer moved, seconded by Chairman Henderson to appoint Lori Hodell to the Recreation Committee; motion passed 3-0.

15. Consider Safety Enhancement Grant Applications: Selectman Multer moved, seconded by Chairman Henderson to authorize the submittal of the safety enhancement grant application to Maine Municipal Association for a safety cabinet for the Recycling Center; motion passed 2-0 (Selectman Wallace abstained). Selectman Multer questioned why the other departments don't take advantage of these safety grants. Administrator Eiane responded that the Worker's compensation auditor has had difficulties meeting with some departments in the past and perhaps they are unaware. Selectman Multer suggested sending a letter to the departments explaining the grant opportunity. Chairman Henderson moved, seconded by Selectman Multer to apply for a safety grant from MMA on behalf of the Harpswell Neck Fire Department for a carbon monoxide detector; motion passed 3-0.

16. Consider General Engineering Services Contract: Chairman Henderson summarized that the contract is on an as needed basis and can choose hourly rates or a lump sum by project. Chairman Henderson moved, seconded by Selectman Multer to enter into the professional agreement with Gorrill Palmer Engineering and to authorize the Town Administrator to sign; motion passed 3-0. Selectman Wallace asked for a meeting with the new engineers.

17. Other Business

- **Continuity of Operations Plan (COOP):** Chairman Henderson noted language will be added to the election area and requiring annual update reports to the Board. Chairman Henderson moved, seconded by Selectman Wallace to adopt the COOP; motion passed 3-0.
- **Graveyard Point:** Chairman Henderson stated the property owner encroached into the Town's way with a retaining wall and the owner and Town entered into an agreement. The agreement gives the Town authority to change the retaining wall with notification to the owner. Chairman Henderson asked for the Town Lands Committee to develop a proposal regarding the wall with estimated costs.
- **LD 1725:** This proposed bill requires larger culverts to facilitate the movement of aquatic organisms that may come at a cost to Towns. Chairman Henderson asked for more information at the next meeting unless the bill's process has been completed.
- **LD 195:** Selectman Multer stated that if the legislature wants to cut excise for certain taxpayers then it should provide alternative ways for local governments to make up for the loss in revenue. The proposed bill will reduce the manufacture sticker price by 10% which will reduce excise revenue and increase the burden on local taxpayers. Selectman Multer moved, seconded by Chairman Henderson to oppose LD 195; motion passed 3-0. The status of the bill needs to first be confirmed.

18. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Wallace to authorize warrant #13 in the amount of \$129,298.81; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #14 in the amount of \$7,874.37; motion passed 2-0 (Selectman Wallace abstained). Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #15 in an amount not to exceed \$700.00 to mail the Town Report; motion passed 3-0. Payroll warrant #10 in the amount of \$13,689.57 was noted for the record.

19. Adjournment: The meeting adjourned by unanimous vote at 9:23 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Emergency Management Report
[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]